THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 25148 of 2007

Dated: 06.12.2007

Between:

Prashanth Sarkar

... Petitioner

AND

The Sub-Collector/Land Acquisition Officer,
Asifabad, Adilabad District.

... Respondent

Counsel for the petitioner : Sri Kovai Venugopal

Counsel for the respondent : Assistant Government Pleader for Land Acquisition

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 25148 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to prevent the respondent from dispossessing the petitioner by destroying the crops in the land comprised in Sy.No.120, admeasuring Acs.10.00 situated at Borigaon Village, Kaghaznagar Mandal, Adilabad District.

In the affidavit filed in support of the writ petition, the petitioner averred that in pursuance of the acquisition proceedings, notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') was issued and published on 22.02.2007 and the petitioner's land was acquired. Declaration under Section 6 of the Act was made on 08.04.2007 and published on 19.04.2007. The petitioner further averred that in pursuance of the negotiations held, a consent award was passed at Rs.3 lakhs per acre and he received cheque dated 27.10.2007 on 25.10.2007 for a sum of Rs.30 lakhs towards the total compensation payable to him towards the value of his land. The petitioner further submitted that he has sown Tuwar Dall and Cotton in his land of Ac.10.00 in the month of June, 2007 by investing money to the extent of Rs.70,000/- and that the respondent assured that he will be allowed to reap the harvest. The petitioner's grievance is that in

spite of the said assurance, the respondent is seeking to dispossess him from the land.

I have heard Sri Kovai Venugopal, learned counsel for the petitioner and the learned Assistant Government Pleader for Land Acquisition.

Learned Assistant Government Pleader placed before me a copy of the remarks submitted by the respondent, wherein it is stated that on the consent given by the petitioner on 18.05.2007, consent award was passed on 21.06.2007 and the entire compensation was received by him on 25.10.2007. The respondent also denied any request made by the petitioner or assurance given by him that he will be allowed to harvest the crop.

From a careful perusal of the material on record, it is clear that the petitioner has given his consent as far back as May 2007 and the consent award was made on 21.06.2007. The petitioner has not specifically mentioned that before passing of the consent award he has raised the crop. The fact is that the petitioner has not filed any material to show that he has sown the crop before the consent award was passed or that on the assurance given by the respondent that he will be allowed to harvest the crop, he had sown the same. Once the award is passed, the petitioner is divested of the ownership and the respondent is entitled in law to take possession and make use of the land.

I am therefore of the view that the petitioner had no legal right to retain possession of the land after passing of the award and more so, after compensation is received by him. None of the legal rights of the petitioner is infringed warranting interference by this Court by exercising its discretionary jurisdiction under Article 226 of the Constitution of India.

The writ petition is therefore dismissed.

As a sequel to dismissal of the writ petition, WPMP.No.32796 of 2007 filed by the petitioner for interim relief is also dismissed.

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C.V. NAGARJUNA REDDY, J

Date: 06.12.2007
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